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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/767,125   | 01/29/2004  | Jean-Laurent Luquet  | 945-011672-US (PAR) | 4365             |
| 2512   | 7590        | 06/20/2006           | EXAMINER            |                  |
| PERMAN & GREEN<br>425 POST ROAD<br>FAIRFIELD, CT 06824 |             |                      | KOHNER, MATTHEW J   |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3653                |                  |

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                               |  |
|------------------------------|-------------------------------|-------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/767,125 | Applicant(s)<br>LUQUET ET AL. |  |
|                              | Examiner<br>Matthew J. Kohner | Art Unit<br>3653              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

The drawings were received on April 7, 2006. These drawings are approved.

### ***Allowable Subject Matter***

The indicated allowability of claims 1-8 is withdrawn in view of the newly discovered reference(s) to Haydock. Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "for receiving the mail items ejected through an exit slot of a folding and inserting machine" in lines 1-3. It is unclear whether the Applicant is claiming the tray in combination with the folding and inserting machine or rather that the folding and inserting machine is merely an intended use. Examiner would interpret the above language as merely an intended use and not a structural limitation, yet the Applicant has claimed the feet of the machine as cooperating with the hooking means of the tray. Therefore, the scope of the above language it is unclear.

Claim 1 recites the limitation "the feet of the machine" in lines 12-13. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 4,155,643 to Ladds et al. (hereinafter Ladds) in view of US Patent No. 2,963,761 to Haydock (hereinafter "Haydock").

In regard to claims 1 and 2, Ladds discloses a mail item receiving device for receiving the mail items ejected through an exit slot of a folding and inserting machine, comprising a support plate (52/54) on which the ejected mail items will accumulate, a front wall (38/40) on which these mail items will abut upon their ejection, two lateral walls (48,50) and said support plate comprising two hollows (see Fig. 4) made on either side of its longitudinal axis at the level of its join with said front wall, wherein each hollow creates an opening between a respective lateral wall and the front wall and said rear wall comprises hooking means (36).

Ladds does not specifically disclose a rear wall intended to align these mail items once they have fallen on the support plate. However, it is clear from Figure 3 that the machine itself acts as the rear wall (see portion of machine below 58 in Fig. 3). It would have been obvious to

one of ordinary skill in the art at the time the invention was made to have added a rear wall to the tray for the purpose of keeping the mail items from falling out.

Further, Ladds does not disclose the hooking means which cooperate with the feet of the machine for connecting the receiving device to the folding and inserting machine. However it is recognized in the connecting art that clips are equivalent to the hooking means disclosed by Ladds. Haydock disclose a clip attached to a tray with the purpose of securing a rod shaped object (see Fig. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ladds to include clip as taught by Haydock for the purpose of attaching the tray to cylindrical legs since Haydock's clips would provide a more secure attachment.

In regard to claims 3 and 8, Ladds discloses an outer corner of the lateral wall without a rounded edge.

In regard to claim 7, see Fig. 4.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 4,155,643 to Ladds in view of Haydock and further in view of US Patent No. 5,018,623 to Hrenyo (hereinafter "Hrenyo").

In regard to claim 4, Ladds does not disclose reinforcing ribs. However, it is well known in the art that trays can include reinforcing ribs to strengthen the trays. Hrenyo discloses such a tray (26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ladds include a tray with reinforcing ribs, as taught by Hrenyo, since the ribs would strengthen the tray.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 4,155,643 to Ladds in view of Haydock and further in view of US Patent No. 5,454,553 to Firl et al. (hereinafter "Firl").

In regard to claim 5, Ladds does not specifically disclose the material from which the tray is made. However, it is well known in the art that input and output trays are made from molded plastic. Firl discloses such a tray (col. 2, lines 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ladds include a tray made of molded plastic, as taught by Firl, since the trays could be produced via a inexpensive manufacturing process and further be a lightweight material.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 4,155,643 to Ladds in view of Haydock and further in view of Japanese Patent No. 8-337349 assigned to Ricoh (hereinafter "Ricoh").

In regard to claim 6, Ladds does not disclose a transparent material from which the tray is manufactured. However, it is well known in the art that trays can be manufactured from transparent material. Ricoh discloses such a tray (see abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ladds include a tray manufactured from transparent material, as taught by Ricoh, since it would improve visibility of the mail.

***Response to Amendment***

Applicant's amendment has overcome the 112 rejection of the previous office action.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kohner whose telephone number is 571-272-6939. The examiner can normally be reached on Mon-Fri 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3653

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew J. Kohner  
Examiner  
Art Unit 3653

mjk

  
**GENE O. CRAWFORD**  
**SUPERVISORY PATENT EXAMINER**